

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

OHIO VALLEY ENVIRONMENTAL)
COALITION, WEST VIRGINIA)
HIGHLANDS CONSERVANCY, and)
THE SIERRA CLUB,)
Plaintiffs,)
v.) Case No. 3:21-cv-00301
GLENDY OWENS, Acting Director,)
Office of Surface Mining Reclamation and)
Enforcement,)
Defendant.)

UNOPPOSED MOTION FOR EXTENSION OF TIME

Consistent with LR Civ. P. 12.1, Defendant Glenda Owens, in her official capacity as Acting Director, Office of Surface Mining Reclamation and Enforcement, hereby seeks an extension of the deadline to answer or otherwise respond to the Complaint. The present deadline is July 27, 2021. Defendant seeks an extension to August 24, 2021. This is Defendant's first request for an extension. Counsel have conferred, and Plaintiffs do not oppose this motion.

Plaintiffs bring this action under the Surface Mining Reclamation and Control Act, alleging that Defendant has "fail[ed] to comply with the nondiscretionary duty set forth in 30 C.F.R. § 732.17(c)." Complaint ¶ 1, ECF 1. Defendant is in the process of issuing further written communication addressing the matters raised by the Complaint that will constitute a determination under 30 C.F.R. § 732.17(c). This response will require approval through multiple levels of the Office of Surface Mining Reclamation and Enforcement and the Department of the Interior, and will not be finalized prior to July 27, 2021. Counsel for Defendant has advised counsel for Plaintiffs of this status, and has agreed to transmit a copy of the above-referenced

response upon its release. Under these circumstances, it would best conserve the resources of the parties and the Court to grant this motion and allow the requested extension of the deadline to answer or otherwise respond to the Complaint.

DATE: July 19, 2021

Respectfully submitted,

JEAN E. WILLIAMS
Acting Assistant Attorney General
Environment and Natural Resources Division

/s/ Paul A. Turcke
PAUL A. TURCKE
Idaho State Bar No. 4759
Trial Attorney, Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 353-1389
Fax: (202) 305-0506
Paul.Turcke@usdoj.gov

LISA G. JOHNSTON
Acting United States Attorney
Southern District of West Virginia

/s/ Fred B. Westfall, Jr.
FRED B. WESTFALL, JR.
W. Va. State Bar No. 3992
Assistant United States Attorney, Civil Chief
300 Virginia Street East, Room 4000
Charleston, WV 25301
Telephone: (304) 347-5104
Fax: (304) 347-5104
Fred.Westfall@usdoj.gov

Counsel for Defendant